GOVERNMENT OF MADRAS.

Old Secrt. II-28, New Secrt. II-16—71,006—28-1-55.

Agri (1955) Department.

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

No. 53500 Agri-3

Dated d. 28/7 1955.

Passed
J
Signature

(11)

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Civil Supplies - Tanjore Boiled Rice 2nd sort - incorrect fixation of volumetric contents by the Collector of South Kanara - Collection of differential cost - refund prayed for appeal.			

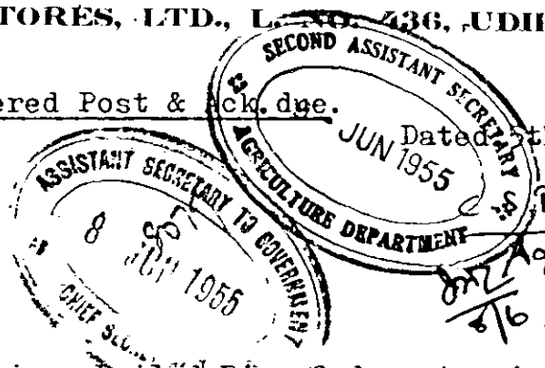
AH(1) 9/6/55

THE UDIPI CO-OPERATIVE STORES, LTD., L. NO. 436, UDIPI.

Aroor Lakshminarayana Rau, B. A. B. L.
President

Per Registered Post & Ack. due.

Dated 7th June '55.



53500 AV

To:
The Chief Secretary,
Government of Madras,
MADRAS.

Sir,

Sub: Civil Supplies - Tanjoor Boiled Rice 2nd sort - incorrect fixation of volumetric contents by the Collector of South Kanara - collection of differencial cost - refund prayed for appeal.

***** ****** P44=47(V) *****

Being highly aggrieved by the orders passed by the Board of Revenue, Madras, in their L.Dis 362-9 A/55 CS dated 14-3-1955 (District Collector's L.Dis,31828/54-R of 31-12-54 on the original application dated 6-9-54 of the Udipi Co-operative Stores Ltd., Udipi,) we beg that we may be permitted to prefer the following appeal.

2 Just prior to 1-5-54, your Government supplied to us for distribution through our retail branches, 2nd sort Tanjoor Boiled Rice and fixed the wholesale issue price thereof calculating on the basis that a bag of 2 maunds was equivalent to 78 seers. But, while actually releasing this rice to the retailers, the Government represented by the District Collector, fixed the volumetric contents of a bag of rice containing 2 maunds, at 80 seers during the period from 2-5-54 to 23-6-54, 79 seers thereafter till 20-11-54 and 78 seers since 27-11-54. Consequently the District Collector ordered the payment of the differencial cost to the local Sub Treasury due to the variation in the fixation of volumetric contents by the Collector ~~on the same kind of rice received~~ on the same kind of rice received at one stage at different times viz. 2 seers per bag of rice supplied between 1-5-54 and 23-6-54 and at the rate of one seer of rice per bag supplied between 24-6-54 and 20-11-54. Though the Collector fixed the wholesale issue price taking into account that a bag of 2 maunds contained 78 seers and subsequantly 80 and 79 seer no retailer was allowed to take delivery of a bag either by weighment or actual measurement. This proceedure is contrary to all accepted laws of business. Since the Stores is put at a great disadvantage we protested. However we could not refuse to take delivery of the bags allotted to us in view of the agreement entered into by the Stores and the Government. Evidently, the volumetric contents of a bag have been fixed at 79 and 78 seers after the receipt of several complaints from retailers of ex-statutory areas including this Stores. Hence we beg to submit that we were not liable to pay the alleged differencial value on the following among other grounds.

3 In the first place, there were absolutely no grounds and evidence to show that the wholesale issue price fixed on the basis that a bag of 2 maunds of rice supplied, as stated above, contained 78 seers, was wrong and that the volumetric contents of a bag of rice actually supplied to us exceeded 78 seers to the extent alleged. We do not admit the correctness of the quantity by volume of a bag of 2 maunds said to have contained in a bag of rice actually supplied to us. We were not given the option of weighing or measuring the contents of the bags of rice before taking delivery. We had to take delivery of rice in the same condition in which it was thrust upon us. Though the Board of Revenue had directed that the retail dealers had to be supplied with rice by actual weighment before giving delivery, the rice that was supplied to us was never allowed to be weighed by us before we took delivery thereof, even though we had made repeated protests in that behalf. Our protests were necessitated on account of the fact that the actual contents were verified if at all, only at Mangalore by the staff of the Civil Supplies Department and that too not in our presence, but before the consignment was handed over to the Mangalore depot of the S.K.C.C.W.Stores. From the Mangalore depot of the S.K.C.C.W.Stores, the lorry drivers take possession of the consignment and from the lorry drivers the local branch of the S.K.C.C.W.Stores situated 56 miles away from Mangalore, take posse-

(Contd)

ssion of it. So, before the rice actually reaches our Stores, it has to pass three different stages after the last weighment. Naturally, this process of passage results and has resulted in short supply of which we had made repeated complaints. It is incorrect to say that the volumetric contents of 2 maunds of rice actually supplied to us exceeded 78 seers i.e. the volumetric contents taken into account while fixing the wholesale issue price. It is relevent to note in this connection that during the previous years when we were getting Imported Rice from the S.K.C.C.W. Stores, we used to get delivery invariably by weighment.

The District Collector in his earlier order dated 16-11-54 passed under his D.Dis.22551/54-R has no doubt stated a perusal of the indents submitted by our Stores in respect of all branches to the Tahasildar of Udipi, for the period between 2-5-54 show that the total shortage works out at 3 pavus (pavu = 1/4 seer) only. But, it has to be remembered that the period from the middle of May upto the middle of October 1954, covered the monsoon months of the district during which period the foodgrains absorbed moisture and increased in quantity. But, this increase in quantity is only artificial and has no touch of reality about it. This has been conceeded and recognised by the Government and by, the Rationing Department even during the time of strict statutory rationing. From the rationing records and from the stock registers of all Co-operative retail dealers of the district, it can be seen that during the monsoon period there is an usual excess even upto 3 pavus to 1½ seers of rice per mura of 42 seers of rice. For example, we give herebelow certain random extracts from our stock registers. The first column gives the quantity of rice taken delivery of by actual weighment. The second column gives the quantity sold during the period mentioned ~~above~~ in hte last column The third column gives the quantity of excess. The forth column shows the average of excess.

	(1)	(2)	(3)	(4)	(5)
	Mr. Sr. Pu.	Mr. Sr. Pu.	Mr. Sr. Pu.	Sr. Pu.	
20 Bags	52 -20 -0	51 - 2 - 1	1-41- 3	1 -2½	26-8-51 to 1-9-51.
17 "	43 -24 -0	33 -35 - 3 1/4	0-41-3 1/4	1 - 1	19-8-51 to 25-8-51
22 "	57 - 4 -0	36 - 5 - ½	1-12- ½	1 - 2	15-9-51 to 22-9-51.
24 "	53 -26 -0	50 -21 - 1 3/4	1-37-1 3/4	1 - 2½	23-9-51 to 29-9-51.
4 "	7- 32 -0	7 -36 - 1½	0- 4- 1½	0 - 2½	9-7-52 to 12-7-52.
6 "	14 -15 -0	12 - 4 - 3	0 -9 -1	0- 3	20-7-52 to 26-7-52.
15 "	35 -30 -0	29 - 5- 3 1/4	0-21-1 1/4	0 - 3	23-8-53 to 29-8-53.
12 "	28- 24 -0	27 -27- 2 3/4	0-21-2 3/4	0- 3	30-8-53 to 5-9-53.

This, infact, has been the tendency throughout the monsoon periods everywhere in the district. The Government and the Rationing Department never trated this excess as real even during the period of worst rationing, and they never asked any retailer in the district to pay the differencial value because they rightly thought that the excess if any, was due to atmospheric conditions. Thus, while we are entitled to substancial excess as allowance for atmospheric conditions, the District Collector's statement in his above mentioned D.Dis.22551/54-R that the 'total shortage as shown' is quite negligible', is a gross understatement. The shortage is quite serious and being only symbolic, represents substancial short supply. What has been stated above can be demonstrated best by the recent proceedings of the local Tahasildar in his L.Dis.114/55 dated 6-1-55 on our complaint of similar short supply. As soon as the Tahasildar received our complaint of short supply he conducted a test measurement of the bags of 2 maunds of rice stated to contain 78 seers. But as found in the Tahasildars proceedings, a bag of 2 maunds of rice was found to contain only 77 seers and not even 78 seers. This we give as an example of short supply that naturally results and has always resulted while the rice is in transit from Mangalore to Udipi after passing three different stages mentioned in the preceeding para. It is incorrect to state that there was any excess or that we had made profit on account of the alleged excess. Actually on account of this rice deal we ought to get substancial

THE UDIPI CO-OPERATIVE STORES, LTD., L. NO. 436, UDIPI.

Aroor Lakshminarayana Rau, B. A. B. L.
President

margin of profit, we actually had to incur a loss to the extent of Rs 2,540-5-4 during the period from 1-5-54 to 30-9-54 as can be seen from the Audit Reports.

5 Thirdly, there is a difference between wholesale dealing and retail dealing and it is natural for a retail dealer to get a small excess in the course of retail dealing. That such excess even if it exists, is solely due to atmospheric conditions is quite evident from the fact that during the dry season i.e. during the months of November, December and January, there is a corresponding deficit. This can be verified from the indents which we have been submitting since the middle of October last.

6 For the reasons stated above, it is our humble submission that the poolprice fixed upto the middle of October on the basis that the volumetric contents of one bag of rice weighing 2 maunds is 78 seers is the maximum price and we are not liable to pay any differencial value whatsoever in excess of the pool price.

7 Sir, we beg to submit in conclusion, that ours is a co-operative institution of some standing. Though we have been subject to the usual drawbacks and handicaps from which institution like ours naturally suffer, thanks to the co-operation extended by the Government and the public alike, we have been successful in the past in making both ends meet, though not without difficulty. Now the situation has changed and has become very serious on account of steep fall in prices and stringency in money market. If at this critical junction, the Government do not come to our rescue by being just to our rightful demands, our institution and the vast public that has been looking upon us as a tower of safety, will be left without anything except darkness. We therefore pray that this appeal of ours may be allowed and that the differential value which we were compelled to pay under protest during the period from 1-5-54 to 15-10-54 may be ordered to be refunded to us.

8 For which act of kindness we are ever remain grateful to you.

Yours faithfully,

For THE UDIPI CO-OPERATIVE STORES LTD., No. L. 436.

Secretary.

THE UDIPI CO-OPERATIVE STORES LTD. No. L. 436 UDIPI

Agri (A II)

Endt no 53500 A II 55-1 dt. 13/6/55

Referred to the Bd of Revenue for urgent demands.

CENTRAL DESPATCH BRANCH

13/6/55

d by

9/6/55

9/6/55

Deputy's Initials.

To

The Bd of Revenue

Copy of letter No [illegible]

THE UDIPI CO-OPERATIVE STORES LTD., L. NO. 436, UDIPI.

Aroor Lakshminarayana Rau, B. A. B. L.
President

Per Registered Post & Ack.due.

Dated 5th June '55

To:
The Chief Secretary to
Government of Madras,

Sir,

Sub: Civil Supplies - Tanjoor Boiled Rice 2nd sort - incorrect fixation of volumetric contents by the Collector of South Kanara - collection of differencial cost - refund prayed for appeal.

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545(1) Being highly aggrieved by the orders passed by the Board of Revenue, Madras, in their L.Dis 362 9 A/55 CS dated 14-3-1955 (District Collector's L.Dis,31828/54-R of 31-12-54 on the original application dated 6-9-54 of the Udipi Co-operative Stores Ltd., Udipi,) we beg that we may be permitted to prefer the following appeal.

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Aroor Lakshminarayana Rau, B. A. B. L.
President

Same as on P 5 above

margin of profit, we actually had to incur a loss to the extent of Rs 2,540-5-4 during the period from 1-5-54 to 30-9-54 as can be seen from the Audit Reports.

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For which act of kindness we are ever remain grateful to you.

Yours faithfully,

For THE UDIPI CO-OPERATIVE STORES LTD., No. L 436.

M. C. Malu
Secretary

THE UDIPI CO-OPERATIVE STORES LTD. No. L 436. UDIPI

Copy to the Minister for Co-operation,
Government of Madras,
MADRAS.

Ile (e) dept.
Agri (C.P.) U.O
Agri U.O
13.6.55
13.6.55

Ile U.O 5465/77-11/55-1
13.6.55.

BOARD OF REVENUE (CIVIL SUPPLIES)

Subject:--

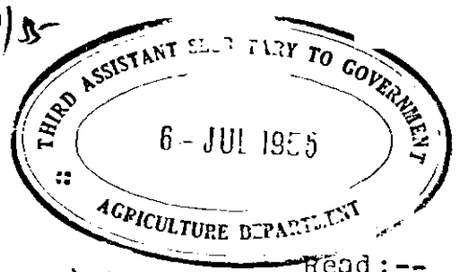
Civil Supplies - Rice -Pool prices - Collection of differential cost on account of volumetric contents - Refund of - Petition.

Board's Ref. No. 25821/A/55 C3
Dated 30--6--55.

From

SRI S. VENKATESWARAN, I.C.S.,
Commissioner for Land Revenue, Civil Supplies and Settlements.

SRI A. SOMASUNDARAM, B.A.,
Additional Secretary to the Board of Revenue.



Read:--

1. From the Secretary, the Udipi Co.operative Stores Ltd., Udipi petition dated 5--6--55.
2. Government Endt. No. 53500/AII/55-1 Agriculture dated 13--6--55.

This is a petition preferred by the Secretary, the Udipi Co.operative Stores Ltd., against the orders of the Board confirming the orders of the Collector of South Kanara who rejected the claims of the Stores for the refund of the differential cost paid by it due to the revision of volumetric contents by the Collector of South Kanara for the Tanjore boiled rice II sort.

2. The appeal preferred to the Board by the Stores against the orders of the Collector of South Kanara was examined in detail and it was rejected in Board's L.Dis. No. 3629/A/55 C3 dated 14-3-55 as the Collector of South Kanara reported that the differential cost on account of volumetric contents was collected after actual test measurement and that the verification of the accounts of the Stores did not show a shortage. The petition to the Government is only a copy of the appeal preferred to the Board. The Board therefore submits that the petition may be rejected.

3. The Board's disposal file No. 3629-A/55 dated 14-3-55 is submitted to the Government for reference and return.

for Additional Secretary.

To

The Secretary to Government,
Agriculture Department,
Fort St. George, Madras. (with encl:).

B.R.2/7/55/

Agn (AII)

Memo no 53500 A1/SR-3 dt. 2/8/55

Subj: Civil Supplies. Rice - Purl
Instr. South Kanara Dt - Udupi Tk
and Town - Collection of differential
cost on account of Volumetric
Control - Refund of - Request by
Udupi Co-op Stores - Rejected.

Ref:-1. from the Udupi Co-op
Stores Ltd, Udupi, Letter dt. 5-6-55
2. from the Bd of Revenue Memo
no 25824 A1/SR(4) dt. 30-6-55

The Secretary of the Udupi Co-op
Stores, Udupi, South Kanara Dt,
first cited is rejected.

2. The Bd's office
file bearing no 3629 A1/SR-
dt 14/3/55 sent to the Govt
with the reference second cited
is returned herewith to the Bd
of Revenue. The receipt may
be acknowledged.

14/8/55

1/8/55

2/8/55

Dft 1-SCF

Dft 13 CF

CENT..

The Secretary,
The Udupi Co-op Stores Ltd
Udupi, S. Kanara Dt
(para only)

The Bd of Revenue
(with (V) in orgl) (full)
To go by S.M.

BOARD OF REVENUE (CIVIL SUPPLIES).

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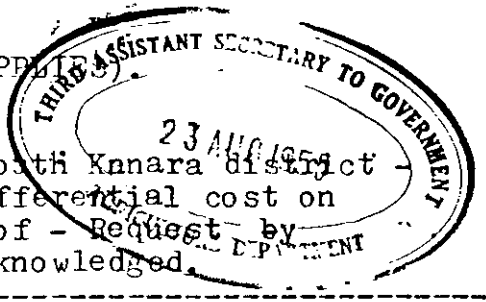

Civil Supplies - Rice - Pool price - South Kanara district - Udipi taluk and town - Collection of differential cost on account of Volumetric contents - Refund of - Request by Udipi Co-operative Stores - Records - Acknowledged.

Board's Ref. No. 25821-A/55 CS dated 11th August. 1955.

From

Sri M.V.Subramanian, I.C.S.,
Commissioner for Land Revenue, Civil Supplies & Settlement.

Sri A. Somasundaram, B.A.,
Additional Secretary, Board of Revenue, Che auk, Madras.

Read: Government Memo. No. 53300-AII/55-3 dated 22-8-55.

The Board acknowledges the receipt of its disposal file sent with the Government Memorandum cited.

for Additional Secretary.

To the Secretary to Government, Agriculture department, Fort St.George, Madras.

Ek 18.8.55.

(Gno 53500 A II)55)

Agri (A II)

Subj:- Civil Supplies - Rice - Cost price - Collection of differential cost on account of Volumetric Contents - Request of - petn

Ref:- 1. From the Secretary of the Udipi Co-op. Stores Ltd., Udipi - Petn. d. 5.6.55

2. From the Bd. of Rev (V) Memo 25821 A/55 IV d. 30.6.55

Please see the petn from the Secretary of the Udipi Co-op. Stores Ltd., Udipi, on pp 1-5 C and the Bd's remarks on p 13 C.

2. The case deals with the petn of the Secretary of the Udipi Co-op. Stores, Ltd., Udipi, against the order of the Bd confirming the orders of the Collr of South Kanara, who rejected the claims of the Stores for the refund of the differential cost paid by it due to the revision of the Volumetric Contents by the Collr of South Kanara for the Tanjore boiled rice II sort in 1954.

pp 9 C of (V)

3. The Secretary of the Stores has, in his petn to the Govt, stated that, while releasing the stocks of II sort Tanjore boiled rice to the Stores just prior to 1.5.54, the wholesale issue price was fixed on the basis that a bag of 2 mds was equivalent to 78

seers but that, while releasing the stores to the retailers, the Volumetric Contents was fixed for a bag containing 2 mds at 80 seers during the period from 2.5.54 to 23.6.54, 79 seers thereafter till 20.11.54 and 78 seers since 27/11/54. He has contended that as per the pool price fixed upto the middle of October 1954 or the basis that the Volumetric Contents of a bag of 2 mds at 78 seers is the maximum price, that the Stores is not liable to pay in excess of the pool price and has requested that the differential Cost Collected from 1/9/54 to 19/10/54 may be refunded to the Stores. The Bd, which was consulted in the matter, has reported that it rejected the appeal of the Stores, as the Govt of South Kanara reported that the differential Cost on account of Volumetric Contents was Collected after actual first measurement and that the verification of the accounts of the Stores did not show a shortage. The Bd has added that the petn to Govt is only a copy of the appeal prepared to put it and that the petn may be rejected. For orders whether the Bd's recommendation will be accepted and the petn of the Stores rejected.

3 D.L.C. and Fin may see for favour of orders.

SECOND ASSISTANT SECRETARY
13 JUL 1955
DEPARTMENT OF INDUSTRIES, LABOUR AND CO-OPERATION

may be rejected A

11.7.55

Agricom 53500 Adj 2

ILC d 12/7/55

11.7.55

11/7/55

11/7/55

11.7.55

ILC 65007 d 13-7-55

Sec(C) dept

Agri note on pp 1-2 above may kindly be perused and the file passed on to Fin.

15/7/55

15/7/55

16.7.55

Jt. Secy
6500 C1/55
18.7.55

Fin (Accts)

The proposal of Agri at 'A' on p 2 above is to reject the petition from the Secy, Udipi Coop. Stores, may be accepted.

20/7/55

21/7/55 A Fin.

n.U.O. 56858 21.7.55

Agriculture (A.II.)

Note for Circulation.

The case deals with the petition of the Secretary of the Udipi Cooperative Stores Limited, Udipi, against the orders of the Board confirming the orders of the Collector of South Kanara, who rejected the claims of the Stores for the refund

of the differential cost paid by it due to the revision of the volumetric contents by the Collector of South Kanara for the Tanjore boiled rice II sort in 1954.

2. The Secretary of the Stores has, in his petition to the Government, stated that, while releasing the stocks of II sort Tanjore boiled rice to the Stores just prior to 1-5-54, the wholesale issue price was fixed on the basis that a bag of 2 maunds was equivalent to 78 seers but that, while releasing the stocks to the retailers, the volumetric content was fixed for a bag containing 2 maunds at 80 seers during the period from 2-5-54 to 23-6-54, 79 seers thereafter till 20-11-54 and 78 seers since 27-11-54. He has contended that the pool price fixed upto the middle of October 1954 on the basis that the volumetric content of a bag of 2 maunds at 78 seers is the maximum price, that the Stores is not liable to pay in excess of the pool price and has requested that the differential cost collected from 1-5-54 to 15-10-54 may be refunded to the Stores. The Board, which was consulted in the matter, has reported that it rejected the appeal of the Stores, as the Collector of South Kanara reported that the differential cost on account of volumetric contents was collected after actual test measurement and that the verification of the accounts of the Stores did not show a shortage. The Board has added that the petition to Government is only a copy of the appeal preferred to it and that the petition may be rejected. It is proposed to accept the Board's recommendation and reject the petition of the Stores. I.L.C. and Finance agree.

~~The case may be circulated to H(A) for approval of the proposal at i above.~~

(P.T.O)

CNo 53500 f 6/9-

3 The case may be circulated to M(A) and M(H) for approval of the proposal at A on p4 above.

Kpm
25/7/55

A
25/7/55

Sd/- K. Raman
26.7.55

VS Ramachandra
29/7/55

M (A)

Sd/- M. Mallikarjunaiah
29.7.55

~~M (F)~~

M (H) Approved 1/8

Agr (A-II)

A-II (1) M. Okm.
1/8
4/8/55

Please see the orders in On above.

2. A draft memo is submitted below for approval.

Kpm
1/8/55

Sd/-
2/8/55

A
1/8/55

(Issued as Memo No 53500/A-II/55-3 dt 2/8/55)

P15 f — Ref:- From the Bd. Dy No 2588 A/cs (4) dt. 11/8/55
P17 f

Please see the Bd's reference on P17 f.

2. The Bd has acknowledged the receipt of its file returned to it with the Memo on Pp 15 f. No further

action is pending in this file. The papers may be closed as Memo No 53500 A-II 55-3 Agra d. 2/8/55.

25/8/55

25/8/55

29/7/55